

ANGLIN, REA & CAHALANE, P.A.  
James J. Pieper, Esq, ID #01269-1994  
Attorney for Plaintiff(s)  
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(609)409-0444

CARLOS SALAZAR,	:	UNITED STATES DISTRICT COURT
Plaintiff,	:	DISTRICT OF NEW JERSEY
vs.	:	
UNITED STATES POSTAL SERVICE;	:	CIVIL ACTION NO.
JOHANNA M. TIMMONS; UNITED	:	
STATES OF AMERICA, a governmental	:	
entity; JOHN/JANE DOES 1-10 and/or	:	
ABC CORP. 1-10 (fictitious names/entities),	:	<b>COMPLAINT</b>
Defendants	:	

### **PARTIES**

1. Plaintiff, Carlos Salazar is a resident of the State of New Jersey.
2. Defendant, United States Postal Service is a corporation incorporated under the laws of the State of Delaware.
3. Defendant, Johanna M. Timmons is a resident of the State of New Jersey.
4. Defendant United States of America is the federal government, who is the proper party pursuant to 28 USC see 2679 (b) (1) for claims for money damages arising out of negligent or wrongful act and/or omission of any federal employee committed within the course and scope of their employment.

### **JURISDICTION AND VENUE**

1. Plaintiff, Carlos Salazar is a resident of the State of New Jersey.
2. Defendant, United States Postal Service, is a corporation incorporated under the laws of the State of Delaware.
3. Defendant United States of America is the federal government, who is the proper party pursuant to 28 USC see 2679 (b) (1) for claims for money damages arising out of negligent or wrongful act and/or omission of any federal employee committed within the course and scope of their employment.
4. Defendant, Johanna M. Timmons, is a resident of the State of New Jersey.
5. All defendants regularly conduct and/or have conducted business within, and have substantial contacts with, the State of New Jersey.

6. All administrative remedies regarding this matter have been exhausted. The United States Postal Service was served with an administrative claim on or about February 5, 2020. Plaintiff did not receive an adjudication of the claim.
7. Defendants have minimum contact with the State of New Jersey.
8. The matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.00
9. This matter arises out of an incident occurring on or about December 14, 2018, in the City of Vineland in the State of New Jersey and some of the actions giving rise to this Complaint took place in New Jersey.
10. This Court has jurisdiction in this matter pursuant to 28 U.S.C. 1391 and 28 U.S.C. 1332.

#### **FIRST COUNT**

1. On or about December 14, 2018 Plaintiff, CARLOS SALAZAR, was the operator of a certain vehicle traveling on Garden Road at or near the intersection with Mill Road, Vineland City, Cumberland County, State of New Jersey.

2. At the time and place aforesaid, defendant(s), JOHANNA M. TIMMONS and/or JOHN DOE 1 (fictitious names/entities), was the operator of a certain motor vehicle and was in the course of his employment for the owner of the vehicle, defendant(s), UNITED STATES POSTAL SERVICE, UNITED STATES OF AMERICA, JOHN DOES 2-10 and/or ABC CORP. 1-10 (fictitious names/entities). Defendant(s), JOHANNA M. TIMMONS and/or JOHN DOE 1 (fictitious names/entities), operated said motor vehicle in a negligent and careless manner causing same to collide with the vehicle operated by the plaintiff, CARLOS SALAZAR.

3. More specifically, defendant Timmons failed to stop at a stop sign, failed to yield, failed to make proper observations and take reasonable precautions to prevent a collision, failed to follow state and federal law in the control and maintenance of her vehicle.

4. As a direct result of the carelessness and negligence of defendant(s), JOHANNA M. TIMMONS, UNITED STATES POSTAL SERVICE, UNITED STATES

OF AMERICA, JOHN DOES 1-10 and/or ABC CORP. 1-10 (fictitious names/entities), plaintiff, CARLOS SALAZAR, was caused to suffer injuries to his head, back, limbs and body; he was caused to suffer great pain and will in the future be caused to suffer great pain; he was caused to incur medical expenses and will in the future be caused to incur medical expenses; he was cause to lose income and will in the future be caused to lose income and will he was caused to suffer serious, severe and permanent injuries.

WHEREFORE, plaintiff, CARLOS SALAZAR, demands judgment against the defendant(s), JOHANNA M. TIMMONS, UNITED STATES POSTAL SERVICE, UNITED STATES OF AMERICA, JOHN DOES 1-10 and/or ABC CORP. 1-10 (fictitious names/entities), for compensatory damages, interest and costs of suit.

### **SECOND COUNT**

1. The plaintiff, CARLOS SALAZAR, repeats and realleges each and every allegation of the First Count as if fully set forth herein at length.


2. At all times herein mentioned, the defendant, UNITED STATES POSTAL SERVICE, UNITED STATES OF AMERICA, JOHN DOES 1-10 and/or ABC CORP. 1-10 (fictitious names/entities) negligently hired, supervised and retained defendant JOHANNA M. TIMMONS and negligently allowed JOHANNA M. TIMMONS to operate a vehicle in violation of state and federal law.

3. More specifically, defendants failed to properly interview and investigate defendant JOHANNA M. TIMMONS, failed to properly reprimand and restrict defendant JOHANNA M. TIMMONS and terminate defendant JOHANNA M. TIMMONS, all resulting in JOHANNA M. TIMMONS improperly operating a UNITED STATES POSTAL SERVICE, UNITED STATES OF AMERICA, vehicle in the course of her employment. Defendant UNITED STATES POSTAL SERVICE, UNITED STATES OF AMERICA, JOHN DOES 1-10 and/or ABC CORP. 1-10 (fictitious names/entities) are, therefore, liable to plaintiff both under independent claims of negligence and via the doctrines of vicarious liability and respondeat superior.



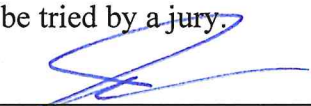
4. As a direct result of the carelessness and negligence of defendant(s), JOHANNA M. TIMMONS, UNITED STATES POSTAL SERVICE, UNITED STATES OF AMERICA, JOHN DOES 1-10 and/or ABC CORP. 1-10(fictitious names/entities), plaintiff, CARLOS SALAZAR, was caused to suffer injuries to his head, back, limbs and body; he was caused to suffer great pain and will in the future be caused to suffer great pain; he was caused to incur medical expenses and will in the future be caused to incur medical expenses; he was cause to lose income and will in the future be caused to lose income and will he was caused to suffer serious, severe and permanent injuries.

WHEREFORE, plaintiff, CARLOS SALAZAR, demands judgment against the defendant(s), JOHANNA M. TIMMONS, UNITED STATES POSTAL SERVICE, UNITED STATES OF AMERICA, JOHN DOES 1-10 and/or ABC CORP. 1-10 (fictitious names/entities), for compensatory damages, interest and costs of suit.

  
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ANGLIN, REA & CAHALANE, P.A.  
By JAMES J. PIEPER  
Attorney for Plaintiff(s)

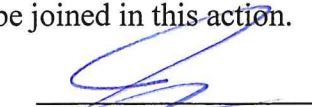
**JURY DEMAND**

Plaintiffs hereby demand that the issues herein be tried by a jury.

  
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ANGLIN, REA & CAHALANE, P.A.  
By JAMES J. PIEPER  
Attorney for Plaintiff(s)

**CERTIFICATION**

I certify that, to the best of my knowledge, the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration proceeding and no other action or arbitration proceeding is contemplated. At the present time, I do not know the names of any other parties who should be joined in this action.

  
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ANGLIN, REA & CAHALANE, P.A.  
By JAMES J. PIEPER  
Attorney for Plaintiff(s)